

**Notice of Allowability**

Application No.

09/516,728

Examiner

Christopher H. Yaen

Applicant(s)

DANIEL ET AL.

Art Unit

1643

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/26/05.
2. ☒ The allowed claim(s) is/are 61,80,81,83-85,87,89,95 and 97.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 3/8/05, 7/11/05, 6/10/00
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**CHRISTOPHER YAEN** Christopher Yaen  
**PATENT EXAMINER** Art Unit 1643

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christopher Perkins on 1/11/2006.

The application has been amended as follows:

1-60 (Canceled)

61. (Currently amended) An isolated monoclonal antibody, or a fragment or derivative thereof, which binds to an eight amino acid epitope consisting of [a] the sequence QSRDTEVL (SEQ ID NO: 1) present within amino acids 175-536 of a human EC RTP/DEP-1 density enhanced phosphatase-1 polypeptide comprising an amino acid sequence as set forth in SEQ ID NO: 4, in a diluent or excipient pharmaceutically acceptable in humans.

62-79. (Canceled)

80. (Currently amended) The ~~composition~~ antibody of claim 6179, wherein the monoclonal antibody is monoclonal antibody EC RTPAb-1, ~~having a molecular weight of about 150 kDa and which specifically binds to an epitope present within amino acids 175-536 of a human EC RTP/DEP-1 density enhanced phosphatase-1 polypeptide comprising an amino acid sequence as set forth in SEQ ID NO: 4~~ produced by a

hybridoma cell line having American Type Culture Collection (ATCC) accession number HB12570.

81. (Currently amended) The antibody ~~composition~~ of claim 61 ~~79~~, wherein the antibody, or fragment ~~or derivative~~ thereof is human or humanized.

82. (Canceled)

83. (Currently amended) A composition comprising a therapeutically effective amount of an isolated monoclonal antibody, or fragment ~~or derivative~~ thereof, which specifically binds to an epitope present within amino acids 324-331 of a ~~human ECRT/DEP-I density enhanced phosphatase-I polypeptide comprising an amino acid sequence as set forth in SEQ ID NO: 4~~ and in a diluent or excipient pharmaceutically acceptable in humans, wherein the composition inhibits angiogenesis.

84. (Currently amended) The composition of claim 83, wherein the antibody or fragment, ~~or derivative~~ thereof has activity in inhibiting angiogenesis in an assay selected from the group consisting of a planar endothelial migration assay, an in situ transfection assay for migration, a cornea pocket angiogenesis assay, a chick chorioallantoic membrane assay, a proliferation assay, and an endothelial wound closure assay.

85. (Currently amended) The composition of claim 83, wherein the ~~antibody~~ fragment is selected from the group consisting of an Fab fragment, an Fab' fragment, an F(ab')<sub>2</sub> fragment, an F(v) fragment, and an single chain fragment variable (scFv) fragment.

86. (Canceled)

87. (Currently amended) The composition of claim 83~~86~~, wherein the antibody or fragment ~~or derivative~~ thereof is human or humanized.

88. (Canceled)

89. (Previously presented) An isolated monoclonal antibody having a binding specificity of an antibody produced by a hybridoma cell line having American Type Culture Collection (ATCC) accession number HB12570.

90-94. (Canceled)

95. (Currently amended) A composition for modulating angiogenesis, the composition comprising:

(a) a therapeutically effective amount of ~~the~~ an isolated monoclonal antibody, or the fragment ~~or derivative~~ thereof, which binds to an eight amino acid epitope consisting of a the sequence QSRDTEVL (SEQ ID NO: 1) present within amino acids 175-536 of a ~~human ECRT/DEP-I density enhanced phosphatase-I polypeptide comprising an amino acid sequence as set forth in SEQ ID No: NO : 4., and~~

(b) a diluent or excipient pharmaceutically acceptable in humans.

96. (Cancel)

97. (Currently amended) The composition of claim 95, wherein the antibody, or the fragment ~~or derivative~~ thereof, is human or humanized.

**All rejections and or objections are withdrawn in view of the amendments and arguments as set forth herein or in the paper filed 10/26/05.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher H. Yaen whose telephone number is 571-272-0838. The examiner can normally be reached on Monday-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, Ph.D. can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher Yaen  
Art Unit 1643  
January 22, 2006

  
**CHRISTOPHER YAEN**  
**PATENT EXAMINER**